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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,312	12/12/2005	Ken Sakamura	263133US90XPCT	3891
22850	7590	09/17/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HESS, DANIEL A	
			ART UNIT	PAPER NUMBER
			2876	
			NOTIFICATION DATE	DELIVERY MODE
			09/17/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/516,312

Applicant(s)

SAKAMURA ET AL.

Examiner

Daniel A. Hess

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to Applicant's 7/2/2007 filing, which has been entered into the electronic file of record.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Korean No. 0249783, of record in the Applicant's information disclosure.

Re claim 7: The above prior art teaches (see English abstract and claim translation) an electronic value transferring device in the form of a mobile terminal which wirelessly communicates with a smart card to exchange value information with the smart card, both to apply payment to the card and extract payment from the card.

Clearly, it is possible to send value from one IC card to another, simply by having two units of the type taught in the recited prior art. One unit can extract value from one smart device into one mobile unit, and this mobile unit (i.e. a cell phone) can communicate with another mobile unit. That unit can then put value onto the smart card that it carries.

A cellular phone or other unit clearly has memory that is capable of storing a plurality of electronic values. The reference discusses how the unit exchanges value data with the smart card and sends it over a network.

It is noted that the newly added limitations ‘send and receive an electronic value to and from another external IC card” and “transfer the stored electronic values to another external IC card” are met if one takes a reasonably broad interpretation of ‘external’.

Consider the following definition of EXTERNAL

3. situated or being outside something; acting or coming from without: external influences.

Dictionary.com Unabridged (v 1.1)

Based on the Random House Unabridged Dictionary, © Random House, Inc. 2006.

According to this definition, a card located in a first phone is external with respect to a second card located in a second phone, and these two cards transfer value between each other.

Re claim 8: In the Korean No. 0249783, discussed above, the value transferring unit is a mobile telephone.

Re claim 9: A mobile phone is one example of a computer, a computer being defined by its capability rather than by its shape and size.

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Re claim 10: As the above reference discusses, the mobile unit communicates with the IC card it carries by “using high frequency bands and low frequency bands” – clearly indicating that the IC card is contactless.

Re claim 11: See discussion re claim 7, above.

Re claim 12: See discussion re claim 8, above.

Re claim 13: See discussion re claim 9, above.

Re claim 14: See discussion re claim 10, above.

Response to Arguments

Applicant's arguments filed 7/2/2007 have been fully considered but they are not persuasive.

While the Examiner notes that Korea '783 does not expressly teach an external card, several points can be made.

(1) As figure 1 of the Instant Disclosure shows, the IC card 42 of the Instant Invention is in fact partly internal. This raises a significant question as to the meaning of ‘external.’

(2) A question which must be asked is 'external with respect to what?' In Korea '783, a card, even if it is within a cell phone, is external with respect to a card that is somewhere else, i.e. within another cell phone.

By granting the broadest reasonable interpretation within the art to the word 'external,' the claim limitations are met.

Remarks

While there may be substantial differences between the Instant Invention as conveyed in the disclosure and the prior art presented by the Examiner, the claims are much broader.

Should the Applicant opt to further pursue the present application in a continuation of some kind, the Examiner suggests much narrower claims which more closely describe the details of the Instant value transferring system. There exists a substantial amount of art relating to electric value transfer and IC cards, beyond what has been applied.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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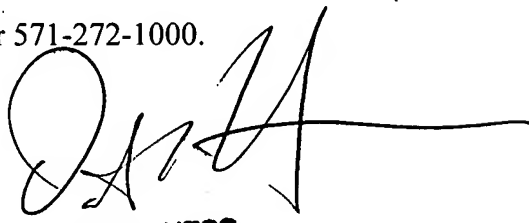
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel A. Hess whose telephone number is (571) 272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/6/2007


DANIEL HESS
PRIMARY PATENT EXAMINER